

JUDGE HOLWELL

07 CV

7419

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

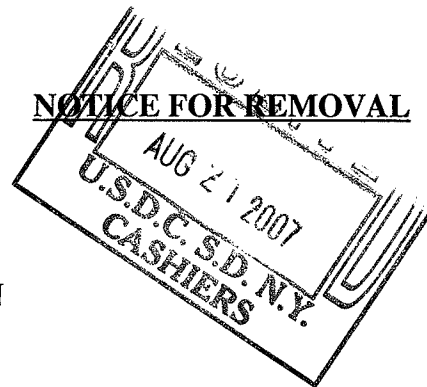
-----X
CYNTHIA CAMPBELL and HARRY CAMPBELL,

Plaintiffs,

- against -

NATIONAL RAILROAD PASSENGER CORPORATION
d/b/a AMTRAK,
Defendant.

-----X



Defendant National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak"), through its attorneys, Landman Corsi Ballaine & Ford P.C., respectfully states upon information and belief:

1. On July 30, 2007, defendant received the Summons and Verified Complaint in this action which is currently pending in the Supreme Court of the State of New York, New York County. A copy of the Summons and Verified Complaint is annexed hereto as Exhibit A. This constitutes all prior pleadings/orders served upon defendant to date.

2. According to the Verified Complaint, on February 15, 2007, plaintiff Cynthia Campbell allegedly sustained personal injuries at the premises known as Amtrak Train Station in Jacksonville, Florida, while boarding an Amtrak train.

3. Amtrak is removing this action because defendant Amtrak was created by an Act of Congress, 49 U.S.C. § 24101, et seq., and more than one-half its capital stock is owned by the United States. Thus, the above-described action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. §§ 1331 and 1349 and is one which may be removed to this Court by the defendant therein, pursuant to the provisions of Title 28, U.S.C. § 1441.

WHEREFORE, defendant Amtrak prays that the action now pending against it in the Supreme Court of the State of New York in and for the County of New York be removed therefrom

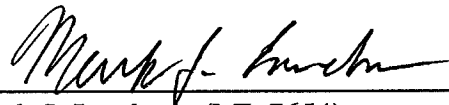
to this Court.

Dated: New York, New York
August 20, 2007

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:

A handwritten signature in black ink, appearing to read "Mark S. Landman", written over a horizontal line.

Mark S. Landman (ML 7654)
Attorneys for Defendant Amtrak
120 Broadway, 27th Floor
New York, New York 10271-0079
(212) 238-4800

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CYNTHIA CAMPBELL and HARRY CAMPBELL,

Plaintiffs,

-against-

AMTRAK,

Defendant.

Index No. 110258/07

Date Filed 7/26/07

Plaintiffs designate

New York County as
the place of trial.

The basis of the venue
is defendant's principal
place of business

SUMMONS

#103437-JR

-----X
To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
July 20, 2007

BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C.

By: 

ROGER M. KUNKIS, ESQ.

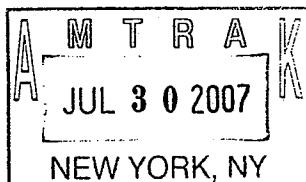
Attorneys for Plaintiffs

225 West 34th Street

New York, New York 10122

(212) 564-3555

TO: AMTRAK



Rec'd BY HAND
Delivery. TWP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X

CYNTHIA CAMPBELL and HARRY CAMPBELL,

Plaintiffs,

-against-

VERIFIED COMPLAINT

AMTRAK,

Defendant.

-----X

Plaintiffs, complaining of the defendant by their attorneys BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C., respectfully show to the Court and allege:

1. This action falls within one or more of the exceptions set forth in CPLR 1602.

2. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK had a principal place of business located in the County of New York, City and State of New York.

3. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK owned a certain Amtrak Train No. 109114 or 409114.

4. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK operated a certain Amtrak Train No. 109114 or 409114.

5. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK maintained a certain Amtrak Train No. 109114 or 409114.

6. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK controlled a certain Amtrak Train No. 109114 or 409114.

7. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK owned the Amtrak Train Station in Jacksonville, Florida.

8. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK operated the Amtrak Train Station in Jacksonville, Florida.

9. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK maintained the Amtrak Train Station in Jacksonville, Florida.

10. Upon information and belief, that at all the times hereinafter mentioned, defendant AMTRAK controlled the Amtrak Train Station in Jacksonville, Florida.

11. That on the 15th day of February, 2007, at approximately 9:15 A.M., and while plaintiff CYNTHIA CAMPBELL was lawfully boarding the aforesaid train at the aforesaid station, an employee, agent and/or servant of defendant kicked and struck plaintiff causing plaintiff to sustain the injuries hereinafter alleged all as a result of the negligence of the defendant and without any negligence on the part of the plaintiffs contributing thereto.

12. That the accident and the injuries and damages to plaintiffs resulting therefrom were caused by the negligence of the defendant.

13. That the defendant was negligent in the ownership, operation, management, maintenance, and control of the aforesaid train, station, and railroad facilities; in that there existed thereat certain dangerous and defective conditions; in that an employee, agent and/or servant of defendant kicked and struck plaintiff; in failing to see plaintiff; in striking plaintiff; in allowing the accident to happen; in failing to control the environment; in failing to control its employees, agents and/or servants; in failing to properly supervise said employee, agents and/or servant; in that defendant and its agents, servants and employees violated defendant's own rules and regulations; and in otherwise being negligent in the premises.

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF
OF PLAINTIFF CYNTHIA CAMPBELL

14. That as a result thereof, plaintiff CYNTHIA CAMPBELL sustained serious and permanent personal injuries; was rendered sick, sore and disabled; has suffered mental and nervous shock, all with accompanying pain; has had and will require hospital and medical attention; was and will be unable to attend to her usual duties and activities.

15. That as a result thereof, plaintiff CYNTHIA CAMPBELL has been damaged in a sum which is just, fair and compensable and exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF
OF PLAINTIFF HARRY CAMPBELL

16. That at all the times hereinafter mentioned, plaintiff HARRY CAMPBELL is the lawful husband of plaintiff CYNTHIA CAMPBELL.

17. That as a result of the foregoing, plaintiff HARRY CAMPBELL lost the services, society and consortium of plaintiff CYNTHIA CAMPBELL; was compelled to expend monies for medical care and attention and, upon information and belief, further sums will be incurred in the future.

18. That as a result of the foregoing, plaintiff HARRY CAMPBELL has been damaged in a sum which is just, fair and compensable and exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, plaintiffs demand judgment against the defendant on the first cause of action in a sum which is just, fair and compensable and which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction; on the second cause of action in a sum which is just, fair and compensable and which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction; together with the costs and disbursements of this action.

BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C.

By: 

ROGER M. KUNKIS, ESQ.


Attorneys for Plaintiffs
225 West 34th Street
New York, New York 10122
(212) 564-3555

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

ROGER M. KUNKIS, being duly sworn, deposes and says:

That deponent is an attorney and a partner in the law firm of BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C., attorneys for plaintiff; that he has read the foregoing COMPLAINT and knows the contents thereof; that the same is true to his own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true; that the reason that this verification is made by your deponent instead of plaintiff is because plaintiff is not within the County of New York where your deponent's office is located.

Deponent further says that the grounds of his belief as to all matters in the said COMPLAINT are based upon deponent's general investigation of the facts herein.



ROGER M. KUNKIS

Sworn to before me this
20th day of July, 2007



Notary Public

John K. Coyle
Notary Public, State of N.Y.
NO 01CO5046090
Qualified In Queens County
Expires July 3 2007